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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,302	09/26/2003	Hong Jin	7382-132-999	4464
20583	7590	09/28/2006		EXAMINER
JONES DAY 222 EAST 41ST ST NEW YORK, NY 10017				BLUMEL, BENJAMIN P
			ART UNIT	PAPER NUMBER
				1648

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT PAPER

20060921

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Commissioner for Patents

The reply filed on July 26, 2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): an election of claim 5 does not satisfy the requirement for an election of species as required by the Office Action of June 26, 2006. In order to be fully compliant with the election of species, applicants must elect specific position(s) and corresponding substitution(s) of the amino acid(s) of the phosphoprotein (P) of the instant invention. For example, claims 4 and 5 read on mutations/substitutions at positions 172, 174, 175 and 176. Therefore if applicant maintains their election of claim 5, a clear indication of which position(s) elected must also be indicated. However, if applicants change their election to a different claim such as claim 21 which reads on a serine replaced at one or more of positions 116, 117, 119, 232 and 237, the corresponding claim(s) must also have an election made of what amino acid residue replaces serine. For example, if positions 116 and 119 are elected of claim 21, a further election must be made of claims 22 and 24. These examples are offered as guidance, which ever election is made, it must be clear that specific substitution(s) of specific position(s) are elected for examination. Furthermore, there was not an election made of a specific recombinant RSV from claim 45. The applicants are notified that any claims not reading on the elected species will be withdrawn from consideration. See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).


Benjamin Blumel
Patent Examiner



BRUCE R. CAMPELL, PH.D
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600